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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, ) No. CR 07-0808 CW  
13 Plaintiff, ) [Filed: December 20, 2007]

14 v. )

15 FILIBERTO MOLINA-SANTANA )  
16 (a/k/a Filiberto Molina, a/k/a Omar Pineda, )  
a/k/a Filiberto Pineda, )  
17 a/k/a Juan Carlos Pineda), )

18 Defendant. )

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19 UNITED STATES OF AMERICA, ) No. CR-06-0342 DLJ  
20 Plaintiff, ) [Filed: March 24, 2006]

21 v. )

22 FILIBERTO MOLINA-SANTANA )  
23 (a/k/a Filiberto Molina, a/k/a Omar Pineda, )  
a/k/a Filiberto Pineda, )  
24 a/k/a Juan Carlos Pineda), )

25 Defendant. )

26 NOTICE OF RELATED CASE

27 IN A CRIMINAL ACTION

28 (Oakland Venue)

27 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the

28 Court that the two above-captioned criminal cases are related. The more recent charge filed on

NOTICE OF RELATED CASE

IN A CRIMINAL ACTION

CR-07-0808 CW and CR-06-0342 DLJ

1 March 24, 2006 (see Attachment) involves, in part, the same general crime as the original offense  
2 set out in Counts One and Two of the Form 12 Supervised Release violation in case CR 06-0342  
3 DLJ, now pending before the Honorable D. Lowell Jensen. The cases are related within the  
4 meaning of Local Rules 8-1(b)(1) and (b)(2) because the cases involve the same defendant, and it  
5 appears likely that a substantial duplication of labor would occur if the cases were heard by  
6 different Judges.

7 In particular, the more recent Indictment alleges that the defendant is a deported alien  
8 found in the United States in violation of 8 U.S.C. §§ 1326(a) and (b). Similarly, the previous  
9 charge against the defendant alleged two counts of improper entry by an alien in violation of 8  
10 U.S.C. § 1325(a), wherein Judge Jensen sentenced the defendant as follows: (1) as to Count One,  
11 that the defendant be imprisoned for 6 months to run concurrently with the sentence in Count  
12 Two with one year of supervised release; (2) as to Count Two, that the defendant be imprisoned  
13 for 15 months with no term of supervised release.

14 Because the cases involve the same defendant and same general crimes, if the defendant  
15 is found guilty, the sentencing in both cases would be more efficient and better preserve judicial  
16 resources by relating the matters.

17 Per the requirement of Local Criminal Rule 8-1(c)(4), government counsel states that  
18 assignment of these cases to a single judge is likely to conserve judicial resources and promote an  
19 efficient determination of each action.

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21 Date: January 24, 2008.

Respectfully Submitted,

22 JOSEPH P. RUSSONIELLO  
23 United States Attorney

24 \_\_\_\_\_ /s/  
25 WADE M. RHYNE  
26 Assistant United States Attorney  
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